



US Army Corps
Of Engineers
Memphis District

Public Notice

REPLY TO ATTN: Reginald Wuornos
U.S. Army Corps of Engineers
167 North Main Street, Room B-202
Memphis, Tennessee 38103-1894
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PUBLIC NOTICE NO:
MVM-2005-736

PUBLIC NOTICE DATE:
February 17, 2006

EXPIRATION DATE:
March 20, 2006

POSTMASTER PLEASE POST UNTIL

Joint Public Notice
Corps of Engineers
and
State of Arkansas

AUTHORITY: Pursuant to 33 CFR 325, as published in the Federal Register dated November 13, 1986, this notice announces an application submitted for a Department of the Army permit under Section 404 of the Clean Water Act.

APPLICANT: Mr. Richard Shannon
Shannondale Farms
2327 SFC 625
Hughes, Arkansas 72348
(870) 339-2773 Business

LOCATION: The deposition site is a 4,200-foot section of Otter Slough located approximately 1.7 miles southeast of Mud Lake in Lee County, Arkansas at latitude 34° 53' 21.40" N, longitude -90° 30' 19.88" W on the Mud Lake, Arkansas 7.5-minute topographic map (Section 7, T-3N, R-6E), as shown on the attached map.

PURPOSE: The purpose of this project is to facilitate irrigation of adjacent fields with a center pivot system for agricultural purposes.

DESCRIPTION OF WORK: The proposed project is to deposit fill material into approximately 4,200 feet of Otter Slough to allow for the irrigation of the adjacent agricultural fields. The portion of Otter Slough to be filled and relocated extends from a point approximately one-half mile east of its confluence with Frenchman Bayou to a point approximately one-eighth of a mile west of Arkansas Highway 334 in Section 7, Township 3 North, Range 6 East, in Lee County, Arkansas. The fill is in conjunction with the relocation of the channel approximately one-eighth mile north of its present alignment. The present channel of Otter Slough is well-maintained with great ragweed (*Ambrosia trifida*), Johnson grass (*Sorghum halepense*), and Redvine (*Brunichia cirrhose*) on the banks. A few scattered sugarberry (*Celtis laevigata*), sycamore (*Platanus occidentalis*), and maple (*Acer* sp.) occur on top bank. The new channel will be constructed in accordance with the Natural Resources Conservation Service design. It will be approximately 4,200 feet long, 2.5H:1V slopes, a 14-foot bottom width, and a top width varied between 54 feet and 124 feet. Depth will vary between 12 feet and 22 feet.

MITIGATION: Mitigation will be the construction of the replacement channel to the north of the fill site.

WATER QUALITY CERTIFICATION: By copy of this public notice, the applicant is requesting water quality certification from the Arkansas Department of Environmental Quality that the activity will comply with applicable requirements set forth in 33 U.S.C. and 1341(a)(1) of the Clean Water Act and all State laws and regulations promulgated pursuant thereto. This certification or evidence of this water quality certification or waiver of the right to certify must be submitted prior to the issuance of a Corps of Engineers permit. The Corps of Engineers' evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act.

ENDANGERED SPECIES: No endangered or threatened species, or their critical habitat, are known to exist in the project area. This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments they may have regarding endangered or threatened wildlife or plants, or their critical habitat, will be considered in our evaluation of the described work.

CULTURAL RESOURCES: The Memphis District will evaluate information provided by the State Historic Preservation Officer, Federally-recognized Tribes, and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area. A preliminary in-house records search indicated no sites have been recorded within the project area. However, the lack of sites may be due to lack of cultural surveys around the project site.

FLOOD PLAIN: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed public notice and apprise this office of any flood plain development permit requirements.

PUBLIC INTEREST REVIEW: The purpose of this public notice is to advise all interested parties of the activities for which a permit is sought and to solicit comments and information necessary to evaluate the probable impact on the public interest.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the project, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public, Federal, state and local agencies and officials, Federally-recognized Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reason for holding a public hearing. The District Engineer will determine if the issues raised are substantial and whether a hearing is needed for making a decision.

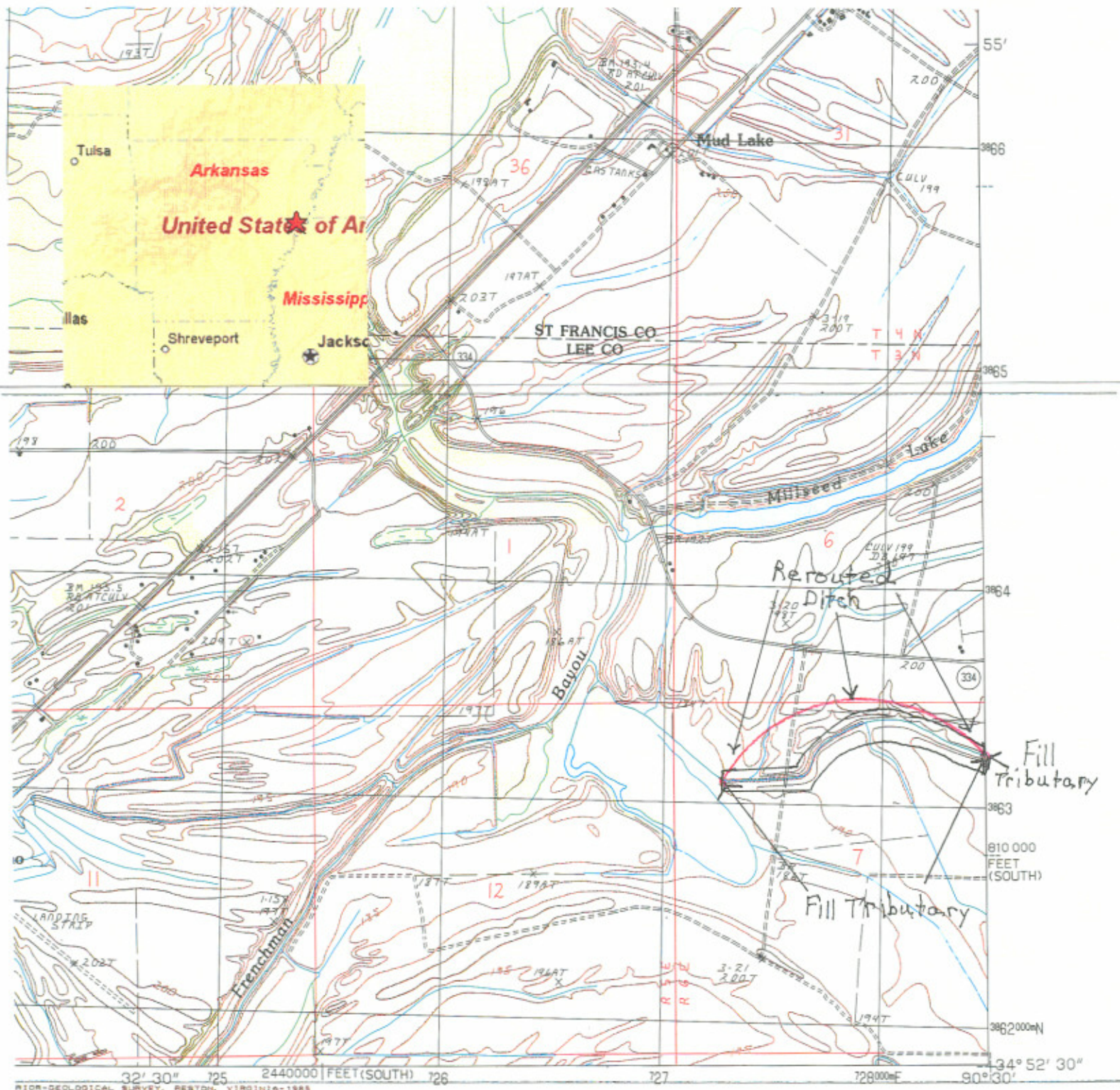
COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: If you wish to obtain additional information or to submit comments on the application, please contact Reginald Wuornos at the U.S. Army Corps of Engineers, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894, telephone (901) 544-0731. The Corps may provide copies of all comments, including the names and address of commenters, to the applicant for consideration and response prior to a decision. Commenters are requested to also furnish a copy of their comments to the State Permits Branch, Water Division, Arkansas, Department of Environmental Quality (ADEQ), 8001 National Drive, Little Rock, Arkansas 72219-8913

Comments should be received by **March 20, 2006.**



Larry D. Watson
Chief
Regulatory Branch

Attachments



QUADRANGLE LOCATION

1	2	3	1 Madison
			2 Round Pond
			3 Chatfield
4		5	4 Dansby
			5 Hughes
			6 Soudan
6	7	8	7 Brickeys
			8 Council

ADJOINING 7.5' QUADRANGLE NAMES

ROAD LEGEND

Improved Road
 Unimproved Road
 Trail
 Interstate Route U.S. Route State Route

MUD LAKE, ARKANSAS
 PROVISIONAL EDITION 1984

INIA 22092
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MVM-2005-736

34090-H5-TF-024

Section 7
 T-3N, R-6E